

Local Agency Formation Commission Of Modoc County

Minutes of December 11, 2007

1. Call to Order:

Chairman Dunn called the meeting to order at 5:05 pm in the City Council Chambers, Alturas City Hall.

Commissioners present: Mike Dunn, Marie Neer, Dan Macsay and George Andreasen

Staff present: John Benoit, Executive Officer and Patricia Clark, Clerk

Pledge of Allegiance

2. Approval of Agenda:

Commissioner Andreasen made the motion to approve the agenda; seconded by Commissioner Macsay. All in favor: Commissioners Macsay, Andreasen, Neer and Dunn.

3. Correspondence:

None

4. Approval of Minutes:

Commissioner Macsay made the motion to approve the June 12, 2007 and October 23, 2007 minutes; seconded by Commissioner Andreasen. All in favor: Commissioners Macsay, Neer and Dunn and Andreasen

5. PUBLIC FORUM: Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions other than those items that are contained on the agenda; the public may request an item to be placed on a subsequent agenda.

None

6. Selection of Public Member Alternate to replace Rod Cameron for an unexpired term ending in May 2009.

a. Select Public Member Alternate to serve on the Commission.

Questions regarding how this open public-member could be marketed in order to be filled.

7. Election of Vice-Chair to fill an unexpired term ending June 30, 2008.

This item was completed at the last meeting.

8. Review and Authorize payment of claims.

Commissioner Macsay made the motion to authorize payment of claims for October and November 2007; seconded by Commissioner Neer. All in favor: Commissioners Macsay, Neer, Andreasen and Dunn.

9. Public Hearing: 5:12 p.m., Closed Public Hearing 5:23 p.m.

Cedarville Water District – Municipal Service Review (MSR) and Sphere of Influence (SOI).

- a. Review Staff Report and conduct a public hearing regarding services provided by the Cedarville Water District and adopt a Municipal Service Review (Resolution 2007-07).

Discussion took place regarding the enclosed MSR and SOI update for the Cedarville Water District

- b. Consider adoption of a Sphere of Influence Map for the Cedarville Water District (Resolution 2007-08).

The action on the resolutions 2007-07 and 2007-08 will take place after MSR guidelines are in place.

ACTION ITEMS:

10. Consider selection of alternatives and consider policy regarding political campaign contributions for and against proposals before LAFCO.

- a. Consider alternatives and in concept provide direction to staff regarding Resolution 2007-09 adopting a Modoc LAFCO policy regarding disclosure of political expenditures for LAFCO proceedings.

John Benoit: Assembly Bill 745 resulted from controversy in San Fernando. New LAFCO mandate must be adopted prior to January 1, 2008 for government code for expenditures for political purposes. Local interpretations for AB745 is contributions are the same as the political reform act.

John reviewed draft Resolution 2007-09 and discussions took place considering which alternative would be acceptable.

Mike Dunn left at 5:34 p.m.

11. Discussion and direction regarding requiring a sixth determination to be included in the preparation of Municipal Service Reviews after January 1, 2007:

- a. Consider adoption of a yet to be determined sixth required MSR determination.

John Benoit: Under the existing law there are five determinations. By adding a sixth additional determination, it depends on the MSR and timing and local description of what you want to see in the MSR's. I will prepare a draft resolution to reserve the right to add a sixth determination. This will give you flexibility.

Mike Dunn returned to the meeting at 5:42 p.m.

12. Executive Officer's Monthly Report – General Discussion

a. Health-care district

Save the Hospital asked the commission to adopt a resolution to form a hospital district.

John Benoit: Will do some research with Trinity County as they have information on how they accomplished this. Also, need to research if this would need separate legal counsel or if County Counsel can serve in this capacity.

A financial analysis needs to be completed. Brown Act requirements-Any conformance notation in our LAFCo application and any material created has to be disclosed.

14. Commissioners Reports – Discussion

Commissioner Macsay questioned public input on the Cedarville MSR. John Benoit: Usually comments when there's an adversarial group or a landowner that doesn't like the district.

Kimberly Hunter, Planning Director: Talked about the formation of a Groundwater District not being subject to LAFCo; called a Resource Management District. There is legislation in place for this kind of district.

There was discussion regarding the LAFCO requirements for the Board of Supervisor's to form a hospital district by resolution.

More discussion regarding the three tribal councils and the government-to-government agreement for the \$25 million grant to build the hospital. The tribes will want at least three seats on the board.

The next meeting will be February 12, 2008.

There being no further business to come before this Commission, the meeting was adjourned at 6:12 pm.

Respectfully submitted,

Patricia Clark, Secretary

Approved: _____
Mike Dunn, Chairman, LAFCo

Attest: _____
John Benoit, Executive Officer